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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,407	07/15/2003	Michael C. Sorrells	16-356	7650

7590

10/21/2005

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CLEVELAND, OH 44114

EXAMINER
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BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/619,407

Applicant(s)

SORRELLS ET AL.

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 8-13, 15-16, and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,280,973 to Culling.

Culling discloses an apparatus for moving a latching pin a lateral distance having a flange (4) on a first separable member (18), a latch mechanism (2) in a second separable member (12) having a rotatable grip handle means (36), a latching pin (32) connected to the rotatable handle means where a central axis of latching pin is substantially perpendicular to the rotatable handle (figures 1-3), a latching pin guide means (40) that engages and guides the latching pin along the central axis in response to rotation of the handle, and a keeper mechanism (10) that defines a channel (24) within which the latching pin is present when the latching pin is in the latch position, and where the mounting flange on the first separable member is inserted into the channel when the first and second separable members are to be connected (figures 1 and 3) and wherein the flange includes a hole (46) through which the latching pin passes to connect the first and second separable members (figure 3), as in claims 1, 12, and 15.

Culling also discloses the latching pin having a cam pin (42) that engages the latching pin guide, as in claims 2, 13, and 16, as well as the second separable member is a detachable panel (column 2, lines 24-27), as in claim 8, wherein the handle is capable of being a carrying means

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for the detachable panel when it is detached, as in claim 9, and a grip (36) extension of the handle extends along an axis generally perpendicular to the central axis of the latching pin, as in claims 10 and 20, and the handle is rigidly connected (figure 2) to the latching pin, as in claims 11 and 21, and where the flange further comprises a mounting tab (26) that includes a mounting hole (44) configured to loosely engage the latching pin when the latching pin is in the latch position (figure 3), as in claims 22-24.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6-7, 14, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culling, as applied above.

Culling discloses the claimed invention except for the cam pin being fixed to the latching pin, wherein the cam pin of Culling is fixed to the keeper mechanism, and a cam (38) is disposed circumferentially about the latching pin. It would have been obvious to one with ordinary skill in the art at the time the invention was made to reverse the cam pin and the cam (as shown in figure 11) where the device would function in the same manner, wherein the cam pin would be fixed to the latching pin perpendicular to the central axis of the latching pin and wherein the cam (38) is disposed circumferentially about the latching pin and wherein the cam comprises a circumferential cam slot (38) that defines an arc (figures 1 and 3) having a lateral component

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equal to the lateral distance and a circumferential component equal to a predetermined amount of rotation of the rotatable handle, and where the cam pin would protrude through the cam slot and ride in the cam slot to guide the latching pin along the lateral distance in response to rotation of the handle, as in claims 3, 14, and 17, and where the cam pin would protrude through the handle and the latching pin to fix the handle and latching pin together, as in claim 6, as well as the arc defined by the cam slot has a detent portion (the end of the cam grove) at an end corresponding of the latch position to the latching pin, as in claims 7 and 19, since it has been held that a mere reversal of essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culling, as applied above to claims 1-3, 5-17, and 19-24, in view of U.S. Patent Number 6,363,670 to Dewitt.

Culling disclose the invention substantially as claimed. However, Culling does not disclose a biasing spring that urges the latching pin toward the latch position. Dewitt teaches of window covering device having a spring, positioned between a latch housing and an engagement portion of a latch bolt, to bias the latch bolt into an actuated position (column 5, lines 7-13) in the same field of endeavor for the purpose of urging the free end of the bolt into an associated hole to secure the window covering to a window frame. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a spring within the latch pin guide of Culling in order to urge the latch pin into an associated hole of the mounting tab.

***Response to Arguments***

Applicant's arguments with respect to claims 1-4 and 6-24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patent is cited to further show the state of the art with respect to latching apparatuses for hold two members securely together:

U.S. Patent Number 4,997,218 to Culling.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB   
October 13, 2005

  
**BRIAN E. GLESSNER**  
SUPERVISORY PATENT EXAMINER